

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JUAN GAMBOA, *individually and on behalf*  
*of all others similarly situated,*

Plaintiff,

v.

CITIZENS, INC., et al.

Defendants.

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1:17-CV-241-RP

**ORDER**

Lead plaintiffs Juan Gamboa and Correy Hemingway (collectively, “Plaintiffs”) filed this putative class action on March 16, 2017. (Compl., Dkt. 1; Am. Compl., Dkt. 14). Defendants Citizens, Inc.; Harold Riley; Rick Riley; Kay Osbourn; Geoffrey Kolander; and David Jorgensen subsequently filed a Motion to Dismiss, (Dkt. 18), which was referred to United States Magistrate Judge Andrew Austin for a report and recommendation pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules. Magistrate Judge Austin subsequently entered a report and recommendation recommending that the undersigned grant the motion in full and dismiss Plaintiffs’ case with prejudice. (R. & R., Dkt. 25).

Because the report and recommendation was entered on May 7, 2018, Plaintiffs’ objections were due on or before May 21. Fed. R. Civ. P. 72(b)(2) (“Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.”). No objections were received.

Where, as here, no party has objected to the magistrate judge’s findings, the Court reviews the report and recommendation for clear error. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful consideration, the Court adopts the magistrate judge’s report and

recommendation. The Court finds that the magistrate judge's conclusion and recommendation are neither clearly erroneous nor contrary to law.

For the reasons given, the Court hereby **ADOPTS** the magistrate judge's report and recommendation, (Dkt. 25), as the opinion of the Court. Defendants' Motion to Dismiss, (Dkt. 18), is **GRANTED**. Plaintiffs' claims against all defendants are **DISMISSED WITH PREJUDICE**.

**SIGNED** on May 29, 2018.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE